



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Candidacy Requirements for special elections on January 10, 2017

Member, Senate of Virginia District 9

Member, Senate of Virginia District 22

Member, House of Delegates District 85

Contents

| | | |
|-----|---|---|
| 1 | General Disclaimer..... | 2 |
| 2 | Filing Deadlines and Where to File | 2 |
| 2.1 | For a party candidate nominated by a method other than a primary..... | 2 |
| 2.2 | For an independent (non-party) candidate..... | 2 |
| 3 | Qualifications to be a Candidate | 3 |
| 4 | Forms..... | 3 |
| 4.1 | Certificate of Candidate Qualification (SBE-501)..... | 3 |
| 4.2 | Declaration of Candidacy (SBE-505/520) | 3 |
| 4.3 | Petition of Qualified Voters (SBE505/612)..... | 3 |
| 4.4 | Statement of Economic Interest (Ethics-111)..... | 4 |
| 4.5 | Party Certification (SBE-511)..... | 4 |
| 4.6 | Statement of Organization (CFDA-947.1)..... | 5 |
| 5 | Campaign Finance and Advertising..... | 5 |
| 6 | Virginia State and Local Government Conflict of Interest Act..... | 5 |
| 7 | Election Calendar – January 10, 2017 Special Elections | 0 |

I General Disclaimer

This candidacy requirements bulletin provides an overview of Virginia electoral requirements. It is not legal advice nor is it a binding statement of official policy. It is a description of general law found in the Code of Virginia. Applicable laws and regulations are subject to change in content and interpretation. Local charters may set different requirements. Candidates are responsible for verifying the status of, and complying with, current laws and regulations.

2 Filing Deadlines and Where to File

2.1 For a party candidate nominated by a method other than a primary

Postmarks are acceptable for items 1 and 2 only if these documents are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

| Required Forms | Where to File | Filing Deadline |
|---|---------------------------------------|---------------------------------------|
| 1. Statement of Economic Interests | Conflict of Interest Advisory Council | Monday, December 5, 2016 at 5:00 p.m. |
| 2. Certificate of Candidate Qualification | Department of Elections | |
| 3. Party Certification (SBE-511) | | |

2.2 For an independent (non-party) candidate

Items 1 and 2 listed below must be received by the general registrar by the filing deadline. Postmarks are acceptable only for Items 3 and 4 and only if they are mailed by registered or certified mail and a receipt showing date of mailing can be produced if demanded by the office with which the forms are filed.

| Required Forms | Where to File | Filing Deadline |
|---|--|---------------------------------------|
| 1. Declaration of Candidacy | General registrar in the locality of residence | Monday, December 5, 2016 at 5:00 p.m. |
| 2. Petitions of Qualified Voters | | |
| 3. Statement of Economic Interests | Conflict of Interest Advisory Council | |
| 4. Certificate of Candidate Qualification | Department of Elections | |

3 Qualifications to be a Candidate

A candidate must meet each of the following requirements:

1. Qualified to vote for and hold the office sought
2. A resident¹ of the Commonwealth for one year immediately preceding the election
3. A resident, by the time of filing, of the city or town in which he offers for election [or has an application for registration, transfer, or change of address on file in the general registrar's office]

4 Forms

A candidate must file certain documents in order to qualify to appear on the ballot.² Each form is described below. An explanation of who is required to file each item also is provided.

4.1 Certificate of Candidate Qualification ([SBE-501](#))

All candidates to appear on a ballot are required to file this form. Using this form, candidates certify under oath to the Department of Elections that they meet the qualifications set out in the Code of Virginia.³ Candidates for the General Assembly file this form with the Department of Elections.

4.2 Declaration of Candidacy ([SBE-505/520](#))

This form must be filed with the Petition of Qualified Voters.⁴ It is a required filing for independent (non-party) candidates and primary election candidates. Independent candidates for the General Assembly file this form with the Department of Elections. Primary candidates file this form with the party chair for the district in which they are running. Party candidates nominated by a non-primary method are not required to submit a declaration unless required by their party to do so.

4.3 Petition of Qualified Voters ([SBE505/612](#))

This form is prepared and distributed by the Department of Elections in two sizes: legal and letter.⁵ Petitions must be filed together with the Declaration of Candidacy. Candidates for special elections may not circulate petitions until after the issuance of the writ or order calling the election. Candidates for Senate of Virginia must collect at least 250 qualifying signature. Candidates for the Virginia House of Delegates must collect at

¹ For guidance in determining residency see § [24.2-101](#), definition of “residence,” and administrative regulations [1 VAC 20-40-20](#) and [1 VAC 20-40-30](#).

² Each document can be downloaded from our website: elections.virginia.gov.

³ Va. Code § [24.2-501](#).

⁴ Va. Code § [24.2-505](#).

⁵ [Letter](#) and [legal](#).

least 125 qualifying signatures. Please review the State Boards regulation regarding material omissions from petitions of qualified voters before circulating the Petition of Qualified Voters form.⁶

Independent (non-party) candidates may, at the time of filing, request notification of any problems with her filing that can be corrected before the filing deadline.⁷ This request must be made in writing and addressed to the secretary of the electoral board. The written request does not guarantee timely response. Certain factors, such as the number and timing of filings, may affect the electoral board's ability to comply with the request.

A nonparty candidate has the right to appeal a determination by the electoral board that the candidate's petitions do not contain the minimum number of signatures of qualified voters for the office sought.⁸ Candidates have 5 days from the issuance of notice of their disqualification to file their appeal with the determining body.

Appeals are conducted by the determining body in accordance with regulations set forth by the State Board of Elections.⁹ Consideration on appeal is "limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of [Title 24.2 of the Code of Virginia and regulations for petitions set forth by the State Board of Elections]. "The candidate bears the burden of proof in establishing that a sufficient number of signatures from qualified voters were timely provided." All appeals are final and not subject to further appeal.

4.4 Statement of Economic Interest ([Ethics-III](#))

This disclosure form is administered by the Virginia Conflict of Interest and Ethics Advisory ("COIA") Council.¹⁰ It is available through their website.¹¹ It is required to be filed by all candidates for the General Assembly. Questions regarding the form should be directed to the COIA Council.

4.5 Party Certification ([SBE-5II](#))

A candidate nominated by a political party is not required to submit a Declaration of Candidacy or Petition of Qualified Voters. To certify that a candidate is the nominee of a political party for a special election not being held on the second November election after the vacancy occurred, the appropriate party chairman must file a Party Nominee Certification by the deadline to nominate the candidate.¹² A candidate for a special held at a time other than a general election must be nominated within five days of any writ of election calling a special election to be held less than 60 days after the issuance of the writ.¹³

⁶ [1 VAC 20-50-20](#).

⁷ Va. Code § [24.2-505\(D\)](#)

⁸ Va. Code § [24.2-506\(C\)](#)

⁹ [1 VAC 20-50-30](#).

¹⁰ Va. Code § [24.2-502](#).

¹¹ <http://ethics.dls.virginia.gov/>.

¹² Va. Code § [24.2-511\(C\)](#).

¹³ Va. Code § [24.2-510](#).

4.6 Statement of Organization ([CFDA-947.1](#))

While the Statement of Organization is not required to qualify for the ballot, it is required to be submitted by anyone who does qualify for the ballot in addition to other candidates seeking elected office who meet certain criteria.¹⁴ The failure to file the Statement of Organization is not cause for disqualification but will subject a candidate to penalties imposed by the Campaign Finance Disclosure Act.¹⁵

5 Campaign Finance and Advertising

All candidates for the Virginia General Assembly must file campaign finance reports on a schedule determined at the time they submit their Statement of Organization. These reports are filed electronically with the Department of Elections¹⁶ or by paper with the general registrar of the locality where the candidate resides. The Act also imposes certain requirements relating to identification of campaign advertisements and communications. Please see the Candidate Campaign Committee Summary published by the Department of Elections for specific requirements.¹⁷

6 Virginia State and Local Government Conflict of Interest Act

Effective January 1, 2016, the Virginia State and Local Government Conflict of Interest Act (COIA) requires general registrars to notify all candidates of the provisions of Chapter 31 of Title 2.2 of the Code of Virginia, the Virginia State and Local Government Conflict of Interests Act, Va. Code §§ 2.2-3100 through 2.2-3131.

COIA regulates the conduct of Virginia public officials in two basic ways: (1) disclosure requirements for reporting certain types of economic relationships on the Statement of Economic Interests form; and (2) prohibitions against certain conduct or participation in certain transactions. Please see the COIA Council's website for more information.¹⁸

¹⁴ Va. Code § [24.2-947.1](#).

¹⁵ Va. Code § [24.2-953.1](#).

¹⁶ [COMmittee Electronic Tracking](#) (COMET).

¹⁷ [Summary of Laws and Policies for Candidate Campaign Committees](#).

¹⁸ <http://ethics.dls.virginia.gov/>.



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7 Election Calendar

January 10, 2017 Special Elections

| Election Type | Election Date | Deadlines for Filing | | | Last Day to Register to Vote | Deadline to Apply for Absentee Ballot |
|--|------------------|--|---|---|---|--|
| | | Candidate Declarations/Petitions | Other Candidate Forms | Party Chairs Certify Candidates | | |
| Party nominations must be completed by Monday, December 5. | | | | | | |
| Special | January 10, 2017 | Independent Candidates Monday, December 5, 2017 5:00 p.m. Governor's Writ | All Candidates Monday, December 5, 2017 5:00 p.m. § 24.2-503 | Monday, December 5, 2017 5:00 p.m. § 24.2-511 | Tuesday, January 3, 2017 11:59 p.m. § 24.2-414, 416 | In Person: Saturday, January 7, 2017 By Mail or Online: Tuesday, January 3, 2017 5:00 p.m. §§ 24.2-701(A), (B)(1), (B)(2) |
| During any election, the polls are required to open at 6:00 a.m. and close at 7:00 p.m. (§ 24.2-603) | | | | | | |